

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF SHERVIN  
PISHEVAR FOR AN ORDER TO TAKE  
DISCOVERY FOR USE IN FOREIGN  
PROCEEDINGS PURSUANT TO 28 U.S.C. §  
1782

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 2/20/2020

1:19-mc-00503 (JGK) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

With regard to Respondent's letter of February 18, 2020 (ECF No. 53) and Petitioner's letter of February 19, 2020 (which erroneously bears a date of January 19, 2020) (ECF No. 54), it is hereby ORDERED, as follows:

1. No later than February 27, 2020, each of Petitioner and Respondent shall submit a letter to the Court (not to exceed 3 pages), with citation to legal authority, addressing whether Exhibit 4 to Petitioner's letter filed with the Court on February 14, 2020 (which erroneously bears a date of January 14, 2020) (ECF No. 51 at 56-61) should be filed on the public docket.
2. No later than February 27, 2020, Petitioner shall submit a letter to the Court (not to exceed 3 pages), with citation to legal authority, addressing the factual and legal basis upon which the Court may "strike" arguments made by counsel in open court during oral argument.
3. Letters in response to the letters set forth in paragraphs 2 and 3 above (not to exceed 3 pages) may be submitted no later than March 3, 2020.
4. Petitioner's request to file under seal some or all of Respondent's February 18, 2020 letter (see ECF No. 54 at 2) is DENIED. What is contained in paragraph 2 of

Respondent's letter (*i.e.*, the part identified by Petitioner for redaction) sets forth what occurred in open Court. *See Craig v. Harney*, 331 U.S. 367, 374 (1947) ("What transpires in the court room is public property."). In any event, the Court has no power to remove Respondent's letter from the public record. *See Gambale v. Deutsche Bank AG*, 377 F.3d 133, 144 (2d Cir. 2004) ("[O]nce the genie is out of the bottle because [a] . . . document is in the public domain, the court has no power to remove it from that domain.").

**SO ORDERED.**

DATED:        New York, New York  
                  February 20, 2020



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STEWART D. AARON  
United States Magistrate Judge